

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ERNST LISSEL and MATIA BINFET-KULL

Appeal No. 2000-0916
Application No. 08/907,965

HEARD: February 21, 2001

Before FRANKFORT, NASE, and LAZARUS, Administrative Patent Judges.

NASE, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1, 7 to 11, 13, 14 and 19 to 21. Claims 3 to 6 and 15 to 18 have been objected to as depending from a

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non-allowed claim. Claims 2 and 12 are pending.¹ No claim
has been canceled.

We REVERSE.

¹ The rejection of claims 1, 2 and 7 to 12 under 35 U.S.C. § 102(b) as being anticipated by Miwa (U.S. Patent No. 5,301,617) was withdrawn by the examiner in the answer (p. 4), thus leaving claims 2 and 12 without any rejection for our review.

BACKGROUND

The appellants' invention relates to a steering arrangement for a motor vehicle and a method for steering a motor vehicle. A copy of the claims under appeal is set forth in the appendix to the appellants' brief.

The prior art reference of record relied upon by the examiner in rejecting the appealed claims is:

Yasuno	5,344,224	Sept. 6,
1994		

Claims 1, 7 to 11, 13, 14 and 19 to 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Yasuno.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellants regarding the above-noted rejection, we make reference to the final rejection (Paper No. 11, mailed June 23, 1999) and the answer (Paper No. 16, mailed January 14, 2000) for the examiner's complete reasoning in support of the rejection, and to the brief (Paper No. 15,

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filed November 18, 1999) for the appellants' arguments
thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellants' specification and claims, to the applied prior art reference, and to the respective positions articulated by the appellants and the examiner. As a consequence of our review, we will not sustain the rejection of claims 1, 7 to 11, 13, 14 and 19 to 21 under 35 U.S.C. § 102(b) for the reasons which follow.

Claim 1 reads as follows:

A steering arrangement for a motor vehicle having at least two steerable wheels comprising
steering control means for controlling the vehicle wheels as a function of a desired steering angle signal and
braking means for producing selectively different braking forces at the vehicle wheels as a function of the desired steering angle signal in the event of a fault in steering equipment.

Claim 13 reads as follows:

A method for steering a motor vehicle having at least two steerable wheels wherein the setting of the position of the wheels in order to produce a steering response is carried out by steering control means as a function of a desired steering angle signal comprising:
applying selectively different braking forces to the vehicle wheels as a function of a desired steering angle

to produce a steering response of the motor vehicle in the event of a fault in vehicle steering equipment.

Yasuno's invention² relates generally to a system and method for controlling a braking force for an automotive vehicle which can improve steering stability of the vehicle during braking. Yasuno teaches (column 2, lines 3-8) that a principal object of his invention is "to provide a system and method for controlling a braking force for an automotive vehicle in which a function of, so-called, anti-skid control is added to a braking force control function so as to achieve a higher steering stability of the vehicle." Yasuno then states (column 2, lines 9-37) that

The above-described object can be achieved by providing a system for controlling a braking force applied to each tire wheel of an automotive vehicle, comprising: a) first means for detecting a steering angular displacement of a steering wheel of the vehicle and for producing a first signal indicative of the steering angular displacement;
b) second means for detecting a forward/rearward speed of the vehicle and for producing a second signal indicative of the speed; c) third means, responsive to the first and second signals from the first and second means, for

² See pages 7-11 of the brief for a fuller explanation of Yasuno's invention.

setting a target value of a vehicular motion; d) right and left braking means, disposed on at least one of front tire wheels or rear tire wheels; e) fourth means for calculating a first target braking force required to achieve the target value of the vehicular action in the vehicle which is an object to be controlled; f) fifth means for detecting a revolution speed of at least one of vehicular tire wheels on which said left and right braking means is disposed and for producing a third signal indicative of the revolution speed; g) sixth means for calculating a second target braking force of the braking means required for a slip on the tire wheel related to the fifth means to fall in a predetermined condition; and h) seventh means for independently controlling the braking force derived from said left and right braking means for each tire wheel so as to become coincident with either less [sic] one of the first target braking force or second target braking force as a final target braking force.

To support a rejection of a claim under 35 U.S.C. § 102(b), it must be shown that each element of the claim is found, either expressly described or under principles of inherency, in a single prior art reference. See Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984). In addition, in order to meet a "means-plus-function" limitation as used in claim 1, the prior art must (1) perform the identical function recited in the means limitation and (2) perform that function using the structure disclosed in the

specification or an equivalent structure. Cf. Carroll Touch Inc. v. Electro Mechanical Sys. Inc., 15 F.3d 1573, 1578, 27 USPQ2d 1836, 1840 (Fed. Cir. 1994); Valmont Indus. Inc. v. Reinke Mfg. Co., 983 F.2d 1039, 1042, 25 USPQ2d 1451, 1454 (Fed. Cir. 1993); Johnston v. IVAC Corp., 885 F.2d 1574, 1580, 12 USPQ2d 1382, 1386 (Fed. Cir. 1989).

The examiner contends (final rejection, p. 4) that the claims under appeal are readable on³ Yasuno since the braking system of Yasuno operates independently of the steering equipment, the braking system of Yasuno inherently operates during a fault in the steering equipment. The appellants argue (brief, pp. 19-22) that the claims under appeal are not anticipated by Yasuno since Yasuno's braking arrangement does not produce, expressly or inherently, selectively different

³ The inquiry as to whether a reference anticipates a claim must focus on what subject matter is encompassed by the claim and what subject matter is described by the reference. As set forth by the court in Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984), it is only necessary for the claims to "'read on' something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or 'fully met' by it."

braking forces at the vehicle wheels as a function of a desired steering angle in the event of a fault in steering equipment (i.e., conditioned on a failure of the steering equipment). The appellants point out that Yasuno has no way of detecting any fault in his steering equipment and thus the braking signals produced by Yasuno's system will be exactly the same regardless of whether the steering equipment is operating normally or has a fault. The examiner agrees with this (answer, p. 3) but states that "claim 1 does not claim any detection of a fault in the steering system."

After considering the positions of the examiner and the appellants, we find ourselves in agreement with the appellants that Yasuno does not disclose the function of the braking means of claim 1 or the step of applying selectively different braking forces to the vehicle wheels as recited in claim 13. In that regard, it is our determination that the phrase "in the event of a fault in vehicle steering equipment" as used in claims 1 and 13 requires the braking means of claim 1 and the braking step of claim 13 to be actuated only in the event of a

fault in vehicle steering equipment and not actuated when there is no fault in vehicle steering equipment.

Additionally, we agree with the appellants' argument (brief, pp. 19-21) that there is no disclosure in Yasuno of any steering control means for controlling the steerable wheels as a function of a desired steering angle signal as recited in claims 1 and 13 (i.e., Yasuno does not disclose a steer-by-wire system). Furthermore, in our view, the examiner's apparent position (answer, p. 4) that the limitations concerning the steering control means recited in lines 2-3 of claim 13 are not entitled to weight since they "are recited in the preamble of the claim in a 'for' clause" is without merit. Clearly, claim 13 requires the method step of "applying selectively different braking forces to the vehicle wheels" to be performed on a motor vehicle having at least two steerable wheels wherein the setting of the position of the wheels in order to produce a steering response is carried out by steering control means as a function of a desired steering angle signal.

Since all the limitations of the claims under appeal are not disclosed in Yasuno for the reasons set forth above, the decision of the examiner to reject claims 1, 7 to 11, 13, 14 and 19 to 21 under 35 U.S.C. § 102(b) is reversed.

CONCLUSION

To summarize, the decision of the examiner to reject claims 1, 7 to 11, 13, 14 and 19 to 21 under 35 U.S.C. § 102(b) is reversed.

REVERSED

CHARLES E. FRANKFORT)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JEFFREY V. NASE)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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